THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION Nos.13339, 13340 and 14908 of 2007

Dated:16.07.2007

WRIT PETITION No.13339 of 2007

Between:

Inukurthi Suseelamma, W/o.Subbarayudu and others.

…Petitioners

and

The Tahsildar,
B.Mattam Mandal, Kadapa District

…Respondent.

WRIT PETITION No.13340 of 2007

Between:

Inukurthi Sarojanamma, W/o.Bhaskar and others.

…Petitioners

and

The Tahsildar,
B.Mattam Mandal, Kadapa District

…Respondent.

WRIT PETITION No.14908 of 2007

Between:

Chadalavada Bharathamma, W/o.Sidda Rao and others.

…Petitioners

and

The Tahsildar,
B.Mattam Mandal, Kadapa District

…Respondent.

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION Nos.13339, 13340 and 14908 of 2007

COMMON ORDER:

This order shall dispose of all the three writ petitions as the background of all the cases is same and the impugned proceedings dated 15.04.2007 are issued by the same Officer, namely, the Tahsildar, B.Mattam Mandal, Kadapa District.

The uncontroverted fact of the matter is that in 1994, the Tahsildar, B.Mattam, assigned small extents of land admeasuring Acs.1.50 each to the petitioners herein situated in various sub-division numbers of survey No.660/1 at D.Nelaturu Village of B.Mattam Mandal in Kadapa District. The petitioners allegedly brought the land into cultivation and raised crops. Some of the petitioners also mortgaged the land to Primary Agricultural Co-operative Society, Somireddipally, and took agriculture loans. On a representation given by some of the villagers, the Tahsildar verified the records and allegedly found that there is difference in the entries made in the village accounts/Adangal/1-B/10(1) and therefore, there were no D.K.T Pattas issued from the office of the Tahsildar. Therefore, the Tahsildar/sole respondent initiated action for cancellation of the pattas. Notices were issued to all the petitioners on 18.01.2007. In the said notices, the petitioners were asked to show cause as to why the assignment made by way of D.K.T. Pattas should not be cancelled invoking BSO 15 of the Andhra Pradesh Board of Revenue Standing Orders. It was alleged that the petitioners failed to bring the land into cultivation within three years as per the conditions of the patta. The petitioners submitted explanations denying the allegations. After receiving the explanations submitted by the petitioners, the respondent issued proceedings in reference Ref.A/50/2007 dated 15.04.2007 cancelling the assignment for the alleged violation of conditions of assignment and also informed the petitioners that they would be given alternative land if a representation is made. The petitioners filed these writ petitions assailing the said proceedings of the Tahsildar.

The learned counsel for the petitioners raised two submissions. First, he would contend that the Tahsildar has no jurisdiction to cancel the assignment after lapse of thirteen years. Secondly, he submits that the notice was issued calling upon the petitioners to show cause as to why the assignment should not be cancelled for the reason that they failed to bring the land into cultivation, whereas the impugned orders were passed on altogether different grounds. **Opposing,** the learned Assistant Government Pleader for Assignment submits that the petitioners have an effective remedy by way of appeal under Para 15 of BSO 15 of the Andhra Pradesh Board of Revenue Standing Orders, and therefore, the writ petitions would not lie. Secondly he submits

that though the show cause notices were issued for not bringing the land into cultivation within three years, the impugned orders were also passed for other reasons and the same are sustained.

In W.P.No.13339 of 2007, the first petitioner, Inukurthi Suseelamma, W/o.Subbarayudu was issued show-cause notice in vernacular language. The translation thereof reads as under:

MANDAL REVENUE OFFICE
B.MATTAM MANDAL

Ref.No.B/50/2007 Dated : - 18.01.2007

N O T I C E

It is hereby informed to the below mentioned beneficiary i.e., Sri/Smt. Inukurthi Suseelamma that you have obtained DKT patta in D.K.T.No.718/1404 dated 19.07.1994 for the land an extent of Ac.1.50 cents in Sy.No.661/4 of Nelaturu Village of B.Mattam Mandal. But you should bring the land into cultivation within three (3) years from the date of obtaining the patta. But you have neither brought the land into cultivation nor raised any crops therein and since no efforts have been made by you to brought the land into cultivation, you have to show cause as to why your assignment should not be cancelled invoking the Order 15 of B.S.O or as per G.O.Ms.No.1142 Revenue dated 14.06.1954, within seven (7) days from the date of receipt of this notice and you are directed to submit your explanation in person in the office of the Mandal Revenue Officer, B.Mattam.

Most Urgent Sd/-x.x.x.x.x.18/1/07
Mandal Revenue Officer
B.Mattam

To
Sri/Smt.XX

After receiving the explanation submitted by the said petitioner, the impugned order was passed by the respondent, *inter alia,* for the following reasons:

"During the open enquiry conducted in the village it was revealed that the beneficiary is ineligible/Employee/Benamme/non resident. It was also revealed that all the pattas were created to obtain loans only. In fact the beneficiary has even never seen his field. The variation in the Revenue Records confirm that these pattas were not emanated in this office. The entries are not parallely carried over in all the relevant Revenue records. All these factors indicate that the above entries in the records are tampered and documents like pattadar pass books etc., were fabricated. The field inspection conducted by Revenue Divisional Officer Rajampet reveals that most of the lands were kept uncultivated for years together and now bush growth is there in this filed. However, it is established that the

> lands are in possession of the scheduled caste people. The people of Mydukur etc., could able to got the pattas and just preserved them as property sake but not to get the lands under cultivation."

The impugned order also referred to the differences in the village accounts and it was also observed that there are no D.K.T. pattas forthcoming in the office. In view of this, this Court finds force in the submissions made by learned counsel for the petitioners. Insofar as the appeal is concerned, as rightly pointed out by learned counsel for the petitioners the entire action for cancellation of D.K.T. Pattas was initiated based on the inspection records of the Revenue Divisional Officer, Rajampet. Therefore, in this context, any remedy of appeal under BSO 15 (15) of the Andhra Pradesh Board of Revenue Standing Orders would be futile.

For the above brief reasons, the impugned proceedings dated 15.04.2007 are set aside and the matter is remitted to the Tahsildar, B.Mattam Mandal, who is directed to issue fresh notice to the petitioners informing all the grounds, which are the basis for proposal for cancellation of assignment, obtain proper explanation from them and pass appropriate orders.

The writ petitions, with the above observations, are accordingly disposed of. No costs.

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(V.V.S.RAO, J)

16.07.2007
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